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INTERNATIONAL COOPERATION IN COMBATING TRANSNATIONAL CRIME

THE ROLE OF CRIMINAL LAW IN THE PROTECTION OF THE ENVIRONMENT

Report of the Secretary-General

Addendum

1. Additional replies from Egypt, Hungary, Republic of Korea and South Africa have been received pursuant to Economic and Social Council resolution 1996/10, bringing the total number of responding States to 27.

2. The four States reported that they had signed a number of bilateral and multilateral treaties concerning the protection of the environment, and enacted national legislation, including penal provisions in certain cases, to implement those treaties. Reference was made, in particular, to national legislation implementing the Vienna Convention for the Protection of the Ozone Layer, the Montreal Protocol on Substances that Deplete the Ozone Layer and the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal.

3. Egypt was aware of the importance of protecting the environment, and had therefore enacted legislation establishing environmental offences and sanctions for the offenders. Specific laws had been enacted providing for the protection of water resources, the soil and the atmosphere. In 1994, a new law had been enacted covering all aspects of the environment and introducing new legal principles and sanctions, mainly the confiscation of implements and equipment, remedies for damage caused, fines and legal liability for judicial persons. In

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addition, the law initiated the establishment of environmental monitoring networks, an environmental affairs agency under the Office of the Prime Minister, an environmental protection fund, as well as nature reserv7es. Furthermore, the penal code contained provisions for the protection of the environment, including animal7 and fish resources, the agricultural environment and the River Nile.

4. In Hungary, the provisions of the criminal code relating to protection of the environment were amended in 1996 to include sanctions, not only for acts damaging to the environment, but also for acts that endanger the environment. The maximum punishment is imprisonment of up to eight years if the activity damages the environment, or any environmental resource, to such an extent that the original or previous condition of the environment cannot be restored.

5. The Republic of Korea reported that it had enacted a number of acts relating to the protection of the environment, including the Basic Environmental Policy Act, the Natural Environment Preservation Act and the Environmental Impact Assessment Act. Additional legislation had been enacted to address specific issues, such as marine pollution, waste control, resources conservation and toxic chemicals. In 1991, the Republic of Korea enacted the Act Relating to Punishment for Environmental Crimes, which punishes entities that engage in business activities causing environmental pollution and adversely affecting public health.

6. The Department of Environmental Affairs and Tourism of South Africa has included penal provisions in its environmental legislation and enforced them through the criminal justice system. In particular, the Environment Conservation Act provided for fines, imprisonment of up to 10 years and forfeiture, as well as the possibility to call upon a person to take certain steps or to cease certain activities within a specified period. Presidential commissions of inquiry have in recent years been appointed to investigate and report on alleged contraventions of laws and other control measures based on international conventions designed to combat such activities as the smuggling of and illegal trade in ivory and rhinoceros horn, the import and disposal of hazardous waste containing mercury and the import of hazardous waste containing cupric arsenic.